

Writ Appeal No.987/2012

31.1.2013

Shri D. S. Agnihotri, Advocate, for the appellant.

Smt. P. L. Shrivastava, Advocate, for the respondents.

Heard on admission.

This writ appeal is directed against the order dated 28.6.2012 passed by the learned Single Judge in Writ Petition No.4821/2012 (S).

Vide advertisement dated 5.9.2002 respondent no.2 M. P. Bhoj (Open) University through its Registrar invited applications for appointment to the posts of Lecturer on contract basis for a period of two years. In response to the advertisement, the appellant applied for his appointment. The appellant was then selected and appointed vide order dated 26.5.2003 as Lecturer on contract basis initially for a period of two years. The appointment was, however, extended from time to time. The Board of Directors of the M. P. Bhoj (Open) University finally in its meeting dated 6.8.2007 resolved that the contractual appointment shall not be extended after 30.9.2007. Therefore, after 30.9.2007 the services of appellant were not extended. Aggrieved, the appellant filed Writ Petition No.4821/2012(S) which has been dismissed by the impugned order. The learned Single Judge has held that the appointment of appellant was purely contractual for a period of two years which was extended from time to time up to 30.9.2007 and this being the situation he was not entitled for the relief of either reinstatement or continuance in service.

We have examined the advertisement in response to which the appellant had applied for the post of Lecturer. In the advertisement, it is clearly stipulated that appointment shall be on contract basis. The appointment order of appellant also states that his appointment shall be initially for two years. Therefore, if the term of his appointment was extended from time to time up to 30.9.2007, it cannot be held that he

was confirmed on the post of Lecturer. The appellant also could not produce any order showing that his appointment was confirmed. Under similar circumstances, the Supreme Court in *Hindustan Education Society v. SK. Kaleem SK. Gulam Nabi* (1997) 5 SCC 152 has held that such an appointment of a person cannot be considered to be permanent appointment.

For these reasons, we find no merit in the order under challenge and accordingly dismiss the appeal.

(S. A. BOBDE)
CHIEF JUSTICE

(AJIT SINGH)
JUDGE

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